

## Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 DHA-02 L-03 INR-07 SS-15 EB-07 SSO-00  
INRE-00 /045 W  
----- 098630 /71  
O 222050Z DEC 76  
FM AMEMBASSY LA PAZ  
TO SECSTATE WASHDC IMMEDIATE 3542

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FOR COUNTRY DESK OFFICER PACE

E.O. 11652: N/A  
TAGS: SHUM BL  
SUBJ: HUMAN RIGHTS REPORT ON BOLIVIA

REF: STATE 307212

1. WE BELIEVE THAT THE DRAFT PAPER TRANSMITTED FOR OUR COMMENTS IN REFTEL NEEDS TO BE STRENGTHENED IN SEVERAL PLACES AND MODIFIED IN OTHERS. ACCORDINGLY, WE HAVE REVISED THE ENTIRE STATEMENT AND TRANSMIT IT IN THE FOLLOWING PARAGRAPHS. THE EMBASSY BELIEVES THAT THE DESCRIPTION OF THE POLITICAL SITUATION NEEDS TO TAKE ACCOUNT OF THE 1952 REVOLUTION. IT IS SIGNIFICANT THAT PRESIDENT BANZER HAS PROMISED TO RETURN BOLIVIA TO A PLURALISTIC DEMOCRACY IN 1980 WHICH IS QUITE DIFFERENT FROM THE STATEMENT THAT HE PLANS TO REMAIN IN POWER UNTIL THAT TIME. THE ICRC AND CATHOLIC CHURCH VISITS ARE BETTER GUARANTEES OF THE ABSENCE OF SYSTEMATIC TORTURE OR ABUSE THAN THE EXISTENCE OR ABSENCE OF ALLEGATIONS. WHILE STRIKES HAVE BEEN PROHIBITED, SOME HAVE TAKEN PLACE. FURTHERMORE, 80 - 90 PERCENT OF THE LABOR COMMITTEES WERE TAKEN FROM THE ELECTED UNION LEADERSHIP. THE EMBASSY NOTES THAT IT DOES NOT HAVE THE 1975 REPORT OF THE INTERAMERICAN COMMISSION ON HUMAN RIGHTS.  
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WE DO HAVE THE ILO REPORT WHICH IS NOT MENTIONED IN THE DRAFT ARA PAPER. THE 1976 CHRISTMAS AMNESTY NEEDS TO BE ADDED IN THIS REPORT. IN SEVERAL PLACES, POSSIBLY FOR CONCISENESS IN DRAFTING, EXPLANATORY CIRCUMSTANCES HAVE BEEN LEFT OUT. THIS IS PARTICULARLY TRUE IN THE CASE OF THE CHANGE IN THE STAFFING OF THE CABINET IN NOVEMBER 1974.

2. BEGIN TEXT:

I. POLITICAL SITUATION

BOLIVIA SUSTAINED IN 1952 ONE OF THE MORE FAR-REACHING SOCIAL AND ECONOMIC REVOLUTIONS OF THIS CENTURY IN LATIN AMERICA. THAT REVOLUTION ALSO PRODUCED A PERIOD OF FLAGRANT AND WIDE-SPREAD ABUSES OF HUMAN RIGHTS. THOUSANDS WERE EXILED OR FLED THE COUNTRY, HUNDREDS WERE MURDERED, AND FROM 3000-5000 WERE IMPRISONED IN CONCENTRATION CAMPS. DURING THE PAST TWELVE YEARS BOLIVIA HAS WITNESSED FIVE MILITARY COUPS AND ONLY ONE ELECTION. IN 1970 A LEFTIST MILITARY GROUP TOOK POWER. ITS TREATMENT OF HUMAN RIGHTS MATTERS DID NOT NOTICEABLY IMPROVE OVER PREDECESSOR GOVERNMENTS. THE GOVERNMENT OF PRESIDENT HUGO BANZER SUAREZ CAME INTO POWER IN A MILITARY COUP IN AUGUST 1971. THE TWO MAJOR POLITICAL PARTIES PARTICIPATED IN THIS GOVERNMENT DURING ITS EARLY YEARS BUT FOLLOWING AN ABORTIVE COUP IN NOVEMBER 1974 THE BOLIVIAN MILITARY TOOK COMPLETE CONTROL OF THE GOVERNMENT AND REMOVED THE CIVILIAN PARTY REPRESENTATIVES FROM TOP CABINET POSITIONS. ADDITIONALLY, THE GOVERNMENT PLACED IN "RECESS" POLITICAL PARTIES, ASSOCIATIONS HAVING POLITICAL CONTACTS, AND ALL TRADE UNIONS. SOME LOCAL LABOR UNION ELECTIONS WERE HELD NOTWITHSTANDING THE DECREE. THE PRESIDENT AND THE ARMED FORCES DESCRIBED THEIR TAKEOVER OF THE GOVERNMENT IN NOVEMBER 1974 AS A TEMPORARY MEASURE NECESSARY TO RESTORE POLITICAL ORDER AND HAVE SET 1980 AS THE DATE FOR RETURN TO CONSTITUTIONAL NORMS AND A PLURALISTIC DEMOCRACY.

EXCEPT WHERE UNDERWRITTEN BY SUPREME DECREES, THE 1967 CONSTITUTION REMAINS THE BASIC LAW OF THE COUNTRY. HOWEVER, THE BASIC GOVERNMENT DECISIONS ARE MADE BY PRESIDENT BANZER AND HIS CABINET WHO RELY ON THE ARMED FORCES FOR SUPPORT. PRESIDENT BANZER HAS LIMITED OFFICIAL USE

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PROMISED TO CONTINUE THE ADMINISTRATION'S AVOWED PROGRAM OF NATION-BUILDING, ECONOMIC DEVELOPMENT, AND INTERNAL POLITICAL STABILIZATION. BOLIVIA IS CURRENTLY EXPERIENCING A PERIOD OF RELATIVELY RAPID ECONOMIC GROWTH AND POLITICAL TRANQUILITY.

II. LEGAL SITUATION

THE 1967 CONSTITUTION PROVIDES STANDARD GUARANTEES OF INTERNATIONALLY RECOGNIZED BASIC HUMAN RIGHTS, MOST OF WHICH ARE CODIFIED IN CIVIL AND CRIMINAL STATUTES. SINCE 1969, DE FACTO GOVERNMENTS HAVE RULED BY DECREE WHICH HAVE RESULTED IN THE STRENGTHENING OF EXECUTIVE AUTHORITY AND ELIMINATION OF THE LEGISLATURE. THE GOVERNMENT ASSERTS THAT ITS POLICY IS TO MAINTAIN AN INDEPENDENT JUDICIAL AUTHORITY BUT RULE BY DECREE HAS BROUGHT ABOUT LIMITATIONS ON THE PRACTICAL APPLICABILITY OF SOME CONSTITUTIONAL GUARANTEES.

FOLLOWING AN ATTEMPTED COUP IN NOVEMBER 1974, THE MILITARY ASSUMED ALL CABINET POSITIONS AND DECREES WERE ISSUED WHICH

ABRIDGED CERTAIN CIVIL LIBERTIES. STATE OF SIEGE PROVISIONS ARE INCLUDED IN THE CONSTITUTION AND HAVE BEEN INVOKED SEVERAL TIMES IN RECENT YEARS FOLLOWING COUP ATTEMPTS OR UNREST. THE LATEST STATE OF SIEGE ENDED JULY 1976. A 1972 DECREE-LAW PERMITS INDEFINITE DETENTION OF INDIVIDUALS CONSIDERED A THREAT TO INTERNAL SECURITY. IN CASES INVOLVING ARRESTS ON CHARGES OF THREATENING INTERNAL SECURITY THE GOVERNMENT AUTHORITY IS DERIVED FROM DECREES OR DECREE-LAWS.

BOLIVIAN COURTS IN MOST CASES DO PROCEED ALONG CONSTITUTIONAL LINES. OUTSIDE OF THE SMALL NUMBER OF POLITICAL CASES, SUPERIOR JUDGES HAVE ORDERED PRISONERS RELEASED OR SET FREE ON BAIL BECAUSE OF VIOLATIONS OF DUE PROCESS. IN THE VAST MAJORITY OF CRIMINAL AND CIVIL CASES THE PROBLEM OF SECURING JUSTICE STEMS FROM ADMINISTRATIVE DIFFICULTIES AND THE SECURING OF ADEQUATE LEGAL COUNSEL.

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### III. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

#### A. INTEGRITY OF THE PERSON

ARTICLE 3: MOST BOLIVIANS ENJOY AN ORDERLY AND PEACEFUL SOCIETY AND ARE SECURE FROM ABUSES. DESPITE SIGNIFICANT PROGRESS IN RECENT YEARS, THERE ARE OCCASIONAL INFRINGEMENTS OF THE RIGHT TO LIFE ON THE PART OF MILITARY AND SECURITY FORCES. IN JANUARY 1974 CONFRONTATION OCCURRED BETWEEN MILITARY UNITS AND FARMERS IN THE COCHABAMBA VALLEY WHO WERE CONDUCTING A PROLONGED STRIKE DISRUPTING NORMAL ROAD TRAFFIC BETWEEN COCHABAMBA AND SANTA CRUZ. IT IS REPORTED THAT THE CONFRONTATION RESULTED IN THE DEATHS OF APPROXIMATELY 100 PEASANTS. CONFIRMATION OF THE NUMBER OF DEATHS

HAS NOT BEEN MADE.

IN 1976 THERE WERE TWO INSTANCES OF APPARENTLY UNPROVOKED SHOOTINGS OF CIVILIANS BY GOB SECURITY PERSONNEL. THE AUTHORITIES IMMEDIATELY ARRESTED AND CHARGED BOTH OFFICIALS WHO ARE NOW IN JAIL AWAITING TRIAL.

ARTICLE 5: THERE ARE UNCONFIRMED INDICATIONS THAT THE GOVERNMENT MAY HAVE AUTHORIZED OR CONDONED VIOLATIONS OF THE RIGHTS OF PRISONERS BY TORTURE OR INHUMAN TREATMENT IN THE PERIOD 1971-73. ALLEGATIONS OF SUCH OCCURRENCES HAVE BEEN FEW IN SUBSEQUENT YEARS LIMITED OFFICIAL USE

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AND THESE HAVE NOT BEEN CONFIRMED. THE MINISTER OF INTERIOR HAS STATED PUBLICLY THAT TORTURE OF POLITICAL PRISONERS IS PROHIBITED AND DOES NOT OCCUR. THE GOB CONTINUES TO COOPERATE BOTH WITH THE INTERNATIONAL COMMITTEE OF THE RED CROSS AND THE CATHOLIC CHURCH IN BOLIVIA PERMITTING THEIR REPRESENTATIVES ACCESS TO PRIVATE INTERVIEWS WITH POLITICAL PRISONERS. ICRC VISITS TAKE PLACE ABOUT ONCE EVERY SIX MONTHS AND THE BOLIVIAN RED CROSS ACTS AS AGENT FOR THE ICRC IN AMELIORATING PRISON CONDITIONS AND IN AIDING NEEDY FAMILIES OF POLITICAL PRISONERS. CHURCH REPRESENTATIVES VISIT PRISONERS AND UNDERTAKE REPRESENTATION TO THE GOVERNMENT IF SO WARRANTED. WHILE SOME INDIVIDUALS MAY HAVE BEEN MISTREATED OR ROUGHED UP DURING THEIR ARREST, THERE HAS BEEN NO SUSTAINED PRACTICE OF BRUTALITY TOWARD POLITICAL PRISONERS DURING THE PAST YEAR, ACCORDING TO REPUTABLE OBSERVERS AND INSTITUTIONS. THIS ABSENCE OF GROSS VIOLATION OF HUMAN RIGHTS SUCH AS TORTURE, CRUEL OR INHUMAN TREATMENT (VERIFIED BY INTERNATIONAL OBSERVERS) CONSTITUTES A SIGNIFICANT ADVANCE IN THE FIELD OF HUMAN RIGHTS IN BOLIVIA.

ARTICLE 8: MOST PRISONERS ENJOY EFFECTIVE ACCESS TO COMPETENT LEGAL TRIBUNALS. POLITICAL PRISONERS, HOWEVER, ARE NOT GENERALLY ABLE TO SECURE ADEQUATE LEGAL REDRESS FOR VIOLATIONS OF THEIR RIGHTS.

ARTICLE 9: AGGRESSIVE CRITICS OF THE GOVERNMENT, IF VIEWED AS SUBVERSIVE, AND THOSE CLEARLY PLANNING TERRORIST ACTIVITIES, ARE SUBJECT TO ARBITRARY ARREST, DETENTION, OR EXILE. IN NOVEMBER 1976 THE BOLIVIAN MINISTER OF INTERIOR ANNOUNCED THAT THE GOVERNMENT CURRENTLY HOLDS 87 POLITICAL DETAINEES. THE MAJORITY OF POLITICAL PRISONERS APPEAR TO SPEND LESS THAN TEN MONTHS IN DETENTION. IN THE CHRISTMAS AMNESTY OF DECEMBER 19, 1975, THE BOLIVIAN GOVERNMENT FREED 71 POLITICAL PRISONERS AND PERMITTED THE RETURN OF NINE EXILES. ON DECEMBER 20, 1976, THE GOVERNMENT ANNOUNCED AN AMNESTY FOR 70 BOLIVIANS, SOME IN EXILE BUT MOST HELD IN PRISON IN BOLIVIA.

ARTICLE 10: NO CHANGE.

ARTICLE 11: NO CHANGE.

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B. OTHER IMPORTANT FREEDOMS

FREEDOM OF MOVEMENT CAN POTENTIALLY BE LIMITED IN BOLIVIA BY THE NOVEMBER 1974 DECREE ESTABLISHING COMPULSORY CIVIL SERVICE. INDIVIDUALS CAN BE REQUIRED TO PROVIDE THEIR SERVICES TO THE STATE OR BE DENIED THE FREEDOM TO CHANGE JOBS OR LEAVE THE COUNTRY. IN PRACTICE, THIS DECREE HAS RARELY BEEN INVOKED. THE PUBLIC DOES NOT CONSIDER THIS DECREE AN INFRINGEMENT OF RIGHTS, RATHER IT IS VIEWED AS A CALL TO PATRIOTIC DUTY FOR THE GOOD OF THE COUNTRY.

SEVERAL LEADING CIVILIANS FROM THE PRIVATE SECTOR ARE SERVING IN GOVERNMENT POSITIONS UNDER THE MORAL SUASION OF THE EXISTENCE BUT WITHOUT THE APPLICATION OF THE DECREE. FREEDOM OF ASSEMBLY IS ALSO LIMITED BY THE 1974 DECREE BANNING PUBLIC MEETINGS. THE PRESS AND OTHER NEWS MEDIA ENJOY A WIDE MEASURE OF FREEDOM TO REPORT AND EDITORIALIZE ALTHOUGH SOME SELF-CENSORSHIP MAY BE EXERCISED. THE INTER-AMERICAN PRESS SOCIETY ANNOUNCED DURING ITS 1976 MEETING IN WILLIAMSBURG, VIRGINIA THAT THE BOLIVIAN PRESS IS FREE. LABOR UNIONS ARE LIMITED IN THEIR RIGHTS TO ORGANIZE OR TO ENGAGE IN COLLECTIVE BARGAINING. ALTHOUGH STRIKES ARE PROHIBITED BY DECREE, THEY DO OCCUR. ELECTED TRADE UNION OFFICIALS HAVE BEEN REPLACED BY GOVERNMENT-APPOINTED COORDINATORS, MOST OF WHOM WERE SELECTED FROM THE ELECTED LEADERSHIP OF THE UNIONS. LABOR LEADERS AND OTHERS WHO AGGRESSIVELY OPPOSE THE GOVERNMENT AND ARE VIEWED AS SUBVERSIVE MAY BE SUBJECTED TO INVOLUNTARY EXILE, AS WAS THE CASE OF 32 MINE WORKERS FEDERATION MEMBERS WHO WERE SENT TO EXILE IN CHILE FOR CAUSING A STRIKE IN JUNE AND JULY OF 1976. SUBSEQUENTLY COMMITTEES OF WORKERS' REPRESENTATIVES WERE ESTABLISHED, IN MOST CASES BY ELECTION, MINERS WERE GIVEN A WAGE INCREASE, AND THE GOVERNMENT LAUNCHED A PROGRAM TO IMPROVE MINERS' WELFARE.

IV. OTHER HUMAN RIGHTS REPORTING. NO CHANGE, YET WE RECOMMEND THAT A SENTENCE BE INCLUDED THAT THERE IS NO INFORMATION AVAILABLE TO CONFIRM THE DEATH UNDER TORTURE REPORTED AND ALSO THAT IN MOST CASES IT IS NOT AN "ALLEGED LINK TO GUERRILLA MOVEMENTS" BUT THE ACTUAL POSSESSION OF ARMS AND EXPLOSIVES WHICH IDENTIFY INDIVIDUALS WITH GUERRILLA ACTIVITY.

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EM LETTER DATED DECEMBER 20 FROM THE AMBASSADOR TO ROBERT PACE CONTAINS SPREAD SHEET AND A LIST OF ACTIVITIES CALLED FOR IN A LETTER FROM ASSISTANT SECRETARY SHLAUDEMAN.  
STEDMAN

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## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** HUMAN RIGHTS, REPORTS, POLITICAL SITUATION  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 22 DEC 1976  
**Decaption Date:** 28 MAY 2004  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** CunninFX  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976LAPAZ10091  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D760470-0209  
**From:** LA PAZ  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19761221/aaaaarvn.tel  
**Line Count:** 274  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION ARA  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** STADIS  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 5  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** STADIS  
**Reference:** 76 STATE 307212  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** CunninFX  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 08 JUL 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <08 JUL 2004 by ellisoob>; APPROVED <25 OCT 2004 by CunninFX>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** HUMAN RIGHTS REPORT ON BOLIVIA  
**TAGS:** SHUM, PINT, BL  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006